

## REMARKS

Claims 1-28, 35, 36, 38-51, 54 and 55 are pending in the application, and currently stand rejected under 35 U.S.C. § 102(b). These rejections are respectfully traversed. Reconsideration of the application in view of the following remarks is respectfully requested.

Applicant's invention is directed to data logging systems and methods. Data logging systems monitor multiple communication channels to capture, index and store data transmitted on these channels, and make the stored data available for retrieval by users. (See page 1, lines 10-30, page 8, lines 24-25 of the subject application.) Such systems are used, for example, to record emergency phone calls in order to enable reconstruction of the exact time of an emergency and the content of the conversation between the caller(s) and the operator, to record financial transactions conducted on the phone as a protection against fraud, and in other applications where it is important to keep a log of the content and exact timing of various communications.

Prior art logging systems were implemented typically as one physical unit, a logger, or as a combination of loggers, each performing all logger functions, including those of providing a telephone interface to the monitored communication channels, processing the received signals, and storing the processed signals for retrieval by users.

Unlike the prior art, the data logging system of the present application uses a novel architecture having physically separable functional stages. In a preferred embodiment, the system has three functional stages: a telecom stage, a recorder stage, and a distribution stage. The telecom stage generally captures incoming signals, converts the captured signals into a predefined format, and processes the converted signals. The recorder stage stores the processed input signals along with call information data to a large-capacity storage device, such as a hard drive. The distribution stage generally provides access to the stored information and may also serve to archive the information. Because functional stages of the system are physically separable, they can be located in different places, possibly wide distances apart (page 8, line 12 to page 9, line 13 of the disclosure). This separation can be used advantageously to make more efficient use of the user's space, to improve the reliability of the overall system at a lesser cost by backing up only functional components that are more likely to fail, and even to support previously unavailable logger applications, as described, for example, at page 4, lines 6-24, page 8, lines 13-35 and the examples starting at page 17 of the application.

Claim 1 of the subject application reads as follows:

1. A multi-stage data logging system comprising:
  - a) a telecommunications ("telecom") stage receiving input from a plurality of communication channels;
  - b) a recorder stage having one or more recorders, at least one recorder logging data associated with information transmitted on at least one of said plurality of communication channels;
  - c) a distribution stage providing access to data logged in the recorder stage;
  - d) a first interface linking the telecom and the recorder stages and a second interface linking the recorder and the distribution stages;wherein at least two stages of the system are physically separable and in operation can be located wide distances apart.

The rejections in the Office Action appear to be directed only to claim 1 listed above, and therefore applicant's arguments focus on that claim. Applicant notes that similar arguments are applicable to overcome analogous grounds for rejection the Patent Office may wish to raise regarding the other pending claims.

In section 3 of the Office Action, all pending claims stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,625,890, to Swift. The Office Action states that "Swift teaches a logging recorder system for trunking radio including a telecom stage, a recorder stage and a distribution stage wherein at least two stages are physically separable and in operation can be located wide distance apart (column 2, lines 25-61)." Applicant respectfully disagrees.

Swift discloses a digital logging system for trunking radio which performs recording. However, the patent fails to disclose physically separable stages as recited in the claims. In particular, applicant notes that the Office Action does not identify which elements of the Swift system it believes comprise separable telecom, recorder or distribution stages. The recited portion of Swift merely discloses features of a logging system, such as monitoring, recording, indexing and playing back, which are generic to single-unit logger systems.

Importantly, the Office Action has not identified any disclosure in Swift that teaches, or even suggests that system components, much less two stages as recited in claim 1, may be physically separable and in operation may be located wide distances apart. Therefore, the Office Action has failed to establish that Swift anticipates claim 1. It is notable that the Swift reference is one example of prior art loggers, in this case suitable for recording radio, as

described in the background portion of the disclosure. The rejection in section 3 of the Office Action is therefore improper, and reconsideration is respectfully requested.

In section 4 of the Office Action, all pending claims stand rejected under 35 U.S.C. § 102(b) as being anticipated by NICE, "Disk-Based Audio Storage/Retrieval Systems-DSN-1000." The Office Action states that "NICE teaches DSN-1000 which provides literally thousands of hours of fully managed, disk-based voice storage (recorder stage) and retrieval (distribution stage) simultaneously processing numerous input and output ports." Applicant respectfully disagrees with this assertion, to the extent that it purports to show claim 1 or other pending claims to be anticipated or rendered obvious.

Claim 1 requires three distinct stages of a logger system and further that at least two stages of the system must be physically separable and in operation be capable of being located wide distances apart. The Office Action fails to identify the required elements in the NICE disclosure. In fact, the NICE disclosure is an example of the prior art systems that were discussed in applicant's background disclosure, and suffers from the associated problems. For example, the page in the disclosure entitled "Voice Logger DSN 1000" and the following page showing a block diagram of "Typical DSN 1000 Logger/Transcription Application" clearly indicate that the NICE logger is a single unit performing all logger functions, including those of providing a telephone interface to the monitored communication channels, processing the received signals, and storing the processed signals for retrieval by users. There is no disclosure, teaching, or even a suggestion in the NICE reference that it may be desirable to have different functional stages that are physically separable and in operation are capable of being located wide distances apart. Accordingly, applicant respectfully submits that the § 102 rejection over NICE is improper. Reconsideration of the rejection of the claims over NICE is therefore respectfully requested.

In section 5 of the Office Action, all pending claims stand rejected under 35 U.S.C. § 102(b) as being anticipated by "Eyretel, Ltd, 'Digital Interfacing'." The Office Action states that "Eyretel, Ltd teaches a digital voice recording logging recorders (recorder stage) including a digital interfacing (distribution stage) with a lot [of?] benefits as described in two pages." Applicant respectfully disagrees with this assertion, to the extent that it purports to show claim 1 or other pending claims to be anticipated or rendered obvious.

Digital interfacing refers to an interface card that enables a voice recording system to accept inputs from a digital source. See the last sentence of the first column on page one of the Eyretel reference. Thus, contrary to the assertion in section 5 of the Office Action, "digital interfacing" is not the same thing as a distribution stage. Applicant respectfully submits that the Office Action has failed to identify the recited system components and interconnections. As stated above, claim 1 also requires that at least two stages of the system

must be physically separable and in operation be capable of being located wide distances apart. None of these missing elements is identified in the Eyretel reference, which is another example of a prior art logger system identified in the background section of applicant's disclosure. See for example the block diagrams in the Eyretel reference that depict single units (labeled E1000). Therefore, the § 102 rejection over the Eyretel reference is improper. Reconsideration of the rejection of the claims is therefore respectfully requested.

In section 6 of the Office Action, all pending claims stand rejected under 35 U.S.C. § 102(b) as being anticipated by "R[a]cal Recorders, Inc, 'R[a]cal Adds Remote 'Replay Over LAN' to Wordnet Voice -Logging Recorder,' June 1996.'" The Office Action states that "R[a]cal teaches record (recorder stage) and replay (distribution stage) system are physically separated since the system uses an Ethernet link to control the recorder for remote replay." Applicant respectfully disagrees with this assertion, to the extent that it purports to show claim 1 or other pending claims to be anticipated or rendered obvious.

As noted above, claim 1 requires that at least two stages of the system must be physically separable and in operation be capable of being located wide distances apart. The Office Action states that Racal teaches a recorder stage and a distribution stage being "physically separated since the system uses an Ethernet link to control the recorder for remote replay." Applicant respectfully traverses.

Racal discloses remote replay over a LAN: "voice messages residing on the recording system's hard disk or archival tape can be searched and replayed from a remote PC workstation operating over a LAN." The Office Action appears to assert that the "recorder" disclosed in Racal corresponds to the "recorder stage" of claim 1, and that the "remote PC" of Racal corresponds to the "distribution stage" of claim 1. But this is not correct. Racal discloses no more than the references discussed above.

The distribution stage of claim 1 provides access to and can serve to distribute the data logged in the recorder stage. The remote PC of Racal receives stored data that has been recorded – but its function is not to distribute such data. That is, the distribution stage of claim 1 is an intermediary, while the remote PC of Racal is an end receiver of recorded data. To more clearly illustrate this distinction, but not to imply that claim 1 is limited to a particular embodiment, the Patent Office is referred to page 16, lines 12-22 of Applicant's specification, wherein Web server 280 provides a distribution stage of a preferred embodiment, and it is stated: "Web server 280 acts as an intermediary between one or more recorders 252 in the recorder stage of the logger, and the users accessing the stored information via, for example, the Internet." The remote PC of Racal discloses no more functionality than that of having users accessing stored information over a network. Racal does not disclose a remote distribution stage – indeed, Racal does not discuss a distribution

stage at all. Therefore, Racal cannot anticipate claim 1. Reconsideration of the rejection of the claims over Racal is therefore respectfully requested.

In section 7 of the Office Action, all pending claims stand rejected under 35 U.S.C. § 102(b) as being anticipated by Eyretel, Ltd., "Networking" brochure. The Office Action states that "Eyretel teaches digital voice recorders operate independently from the network which means that the recorders are physically separated from the distribution stage." Applicant respectfully disagrees with this assertion, to the extent that it purports to show claim 1 or other pending claims to be anticipated or rendered obvious.

The "Networking" brochure discloses that voice recorders may operate independently from the network. See last heading, middle column, page 1 of "Networking." But the next sentence following that heading explains what is meant by "independently from the network": "This means that, unlike some systems with PC control, recording will continue even in the event of total or partial network failure." Thus, the statement by the Patent Office that voice recorders operating "independently" from the network discloses a recorder stage physically separated from a distribution stage is not supported by the "Networking" reference. Indeed, the reference explicitly states that that is not what "independently from the network" means.

"Networking" discloses no more than a recorder stage in which a PC controller is physically separated from a recorder. But the physical separation is *within that stage*, not between that stage and another stage. This scenario is illustrated in the prior art block diagrams in Figs. 1, 2, and 3 of applicant's disclosure. Moreover, other elements of claim 1, such as the first and second interfaces, are neither disclosed nor alleged to be disclosed in "Networking." Therefore, the rejection of the claims over "Networking" is improper. Reconsideration of the rejection of the claims over "Networking" is therefore respectfully requested.


In view of the foregoing, applicant believes that all rejections have been overcome and that all of the pending claims are in condition for allowance, and respectfully requests the Patent Office to pass the subject application to issue.

Applicant believes the arguments herein more than suffice to overcome the rejections in the Office Action so, in the interests of efficiency, applicant has not attempted to discuss every possible ground for withdrawing those rejections. Consequently, the fact that some grounds for allowing the claims may not have been discussed herein or in prior communications should not be taken as a waiver of the right to raise those grounds in the future.

No fee (other than the extension fee) is believed due for filing this response.  
However, if an additional fee is due, please charge such fee to Pennie & Edmonds LLP's  
Deposit Account No. 16-1150.

Respectfully submitted,

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